



PLANNING & ZONING COMMISSION

AGENDA REQUEST

AGENDA OF:	11/13/07	AGENDA REQUEST NO:	VII A
INITIATED BY:	DOUGLAS P. SCHOMBURG, AICP ASST. PLANNING DIR. <i>D.P.S.</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	DOUGLAS P. SCHOMBURG, AICP ASST. PLANNING DIR.	ASSISTANT PLANNING DIRECTOR:	DOUGLAS P. SCHOMBURG, AICP <i>D.P.S.</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	POLICIES AND PROCEDURES FOR PLANNING AND ZONING COMMISSION (2007 UPDATE) CONSIDERATION AND ACTION		
EXHIBITS:	POLICIES AND PROCEDURES UPDATE (2007) FOR PLANNING AND ZONING COMMISSION		
CLEARANCES		APPROVAL	
LEGAL:	N/A	DIRECTOR OF PLANNING:	SABINE SOMERS-KUENZEL, AICP <i>AK</i>
RECOMMENDED ACTION			
Approval of Policies and Procedures Update (2007) for Planning and Zoning Commission			
EXECUTIVE SUMMARY			
As discussed at the October 25, 2007 Planning and Zoning Commission Orientation Workshop, attached are revised Policies and Procedures of the Planning and Zoning Commission reflecting current practices and City Codes. The document outlines key items contained within the City of Sugar Land Code of Ordinances and City Charter, including establishment and functions of the Commission, as well as the detailed ethics policy established by Council in 2006. General information about long-standing Commission policies relating to Public Hearings, discussion items, and consideration of cases are also included. We are requesting that the Commission formally adopt the document by vote.			

**CITY OF SUGAR LAND
PLANNING AND ZONING COMMISSION
POLICIES AND PROCEDURES**

Updated Policies and Procedures-
Adopted by the Planning and Zoning Commission: (date), 2007

**SECTION ONE:
CREATION, DUTIES, AND POWERS**

(Reference: Charter, Article V, Sec. 5.01 Planning and Zoning Commission)

The City Council has established a Planning and Zoning Commission. Members serve two year terms, which shall be staggered. The Council shall provide for the number of members, which shall not be less than seven, the manner of their appointment, and any other matters relating to the Commission as the Council deems necessary. The Commission shall perform the following duties and responsibilities:

Approve or disapprove subdivision plats as provided by State law and City ordinance;

Recommend to the Council approval or disapproval of proposed changes in the zoning regulations and zoning map as provided by State law and City Ordinance;

Make recommendations to the Council on the City's master plans;

Make recommendations to the City Manager and the Council on the City's five-year capital improvement plan;

Perform any other duties as directed by the Council or by ordinance.

Liaison Role- (Council Policy)

Serve as a liaison between the Planning and Zoning Commission and City Council. A different Commissioner will be designated each month to attend every City Council meeting in that given month. The role of the liaison is to answer questions asked by City Council and ensure that information regarding discussions and actions by the Planning and Zoning Commission is conveyed.

SECTION TWO: MEMBERSHIP, TERM, AND QUALIFICATIONS

(a) The Commission shall have nine members, appointed by the City Council, for two-year terms. Terms begin on October 1 in the year appointed and end on September 30. A member may not serve more than four consecutive terms. A member continues to serve beyond his or her term until a successor is appointed; except:

- Where a member submits his or her resignation, a vacancy occurs on the effective date shown on the resignation
- Where the City Council removes a member as provided in the Code of Ordinances
- Where a member is deemed to have automatically resigned from his or her position as provided in the Code of Ordinances
- Members shall be residents of the City, but not employees of the City.

The mayor may appoint one or more members of the City Council to serve as an ex-officio member of the Commission and to serve as a liaison for the Commission. Ex-officio members may participate in discussions of the Commission, but may not vote. Ex-officio members serve one-year terms.

SECTION THREE: COMMISSION OFFICERS; DUTIES; AND RECORDS

Per Chapter Two, Article III of the Code of Ordinances, the City Council will appoint the Chair and Vice-Chair of the Planning and Zoning Commission.

(b) The Chair shall:

- (1) Preside over all meetings and call special meetings of the Commission as necessary.
- (2) Execute all documents, including plats, on behalf of the Commission.
- (3) See that all business of the Commission is properly conducted and that all necessary action is taken.

(c) The Vice-Chair shall:

- (1) Preside over all meetings and perform the duties of the Chair, in the absence, disability, or disqualification of the Chair.
- (2) Succeed the Chair if that office is vacated and serve until a new Chair is appointed by the City Council

Secretary-

The City Secretary shall serve as the Recording Secretary to the Commission and shall keep minutes of all proceedings, including the vote of each attending member upon every question. The minutes shall be a summary of all proceedings before the Commission, and shall be approved at the next regular Commission meeting by a vote of a majority of the members of the Commission voting to approve the minutes. The City Secretary shall maintain all records of the Commission. The City Secretary shall prepare all notices of meetings as required by law and shall prepare an agenda for the meetings.

SECTION FOUR: ATTENDANCE AND VACANCIES

(a) Members are expected to be available to attend most Commission meetings, and membership on the Commission shall be accompanied by active participation in the activities of the Commission. If a member becomes unable to attend most Commission meetings, the member should submit his or her resignation so that a replacement may be named. The City Council may dismiss any member for poor attendance. A member who misses three successive meetings of a Board of Commission is deemed to have automatically resigned from his or her position.

(b) Any member who will not be able to attend a regular or special meeting shall notify the Planning Department at City Hall at the earliest possible opportunity and in any event prior to 5:00 p.m. on the day of meeting. The Planning Department shall notify the Chair if absences will prevent a quorum.

SECTION FIVE: GENERAL ASPECTS

(a) The Commission shall meet regularly on the second Tuesday and fourth Thursday of each month. During the months of November and December, the Commission will typically not meet for the 2nd Meeting of the month due to holidays, unless determined by the Chair. Notice of the meeting shall be given as required by law. All meetings shall be open to the public. The meetings shall be held at City Hall unless prior notice of the change of meeting place is given by publication in a newspaper of general circulation in the City. The Commission shall hold such special meetings as may be called by the Chair, Vice-Chair acting on behalf of the Chair, or a majority of the members.

(b) A majority of the members of the Commission shall constitute a quorum for the transaction of business. An affirmative vote of a majority of those present shall be necessary to pass upon pending questions. The Chair is entitled to vote upon any question.

(c) Each member in attendance shall vote on every matter that comes before the Commission. Abstaining- A member shall, after stating the reason, abstain from discussing and voting on a matter before the Commission when:

(1) The member has insufficient information because of a prior absence;

(2) The member has a conflict of interest under State law or the City Charter; or

(3) The member, because of personal circumstances, believes that he or she cannot render a fair and impartial decision in the matter.

(d) Roberts Rules of Order shall be followed in all proceedings of the Commission, except where those Rules conflict with State law, the City Charter, a City ordinance, or these policies and procedures.

(e) Other Public Office- Per Section 2-51 of Chapter Two of the Code of Ordinances, A member of the Planning and Zoning Commission may not hold another public office that has the authority to exercise it's powers within the City's corporate limits or the City's extraterritorial jurisdiction. If the Commission is appointed to also serve as an Airport Zoning Commission under Chapter 241 of the Local Government Code, as amended, the prohibition of this paragraph also applies to a member who holds another public office that has the authority to exercise its powers within the geographical area governed by the City's airport zoning regulations.

(f) Compensation- Per Section 2-42 of Chapter Two of the Code of Ordinances, Members serve without compensation, but will be reimbursed for all reasonable expenses incurred in the performance of their duties in accordance with the rules of reimbursement applicable to city officers and employees.

SECTION SIX: PUBLIC HEARINGS

(a) Notice. Notice of Public Hearings shall be given as required and in the manner specified by State law, the City Charter, and ordinance.

(b) Right to Appear. Any person may appear at a Public Hearing and submit information. The person shall identify themselves, their address, and state the name and mailing address of any organization they represent. To facilitate the proceedings, the Commission may require that persons who wish to be heard complete a registration card, which will be presented to the Chair prior to the meeting. Speakers shall address the Commission from the podium.

(c) Order of Presentation. Prior to the opening of the Public Hearing, staff shall present the facts of the item to the Commission. The applicant shall make a presentation at the beginning of the Public Hearing. The applicant shall have a maximum of ten (10)

minutes to present information in favor of the application, unless additional time is granted by the Chair.

(d) Proposed speakers who have registered to speak shall then be called upon to give comments. Speakers shall limit their comments to three minutes. If time permits, the Chair may allow speakers who have not registered to speak for three minutes. The Chair may, upon the request of any speaker, grant additional time to speak. Any person who wishes to ask relevant questions of the staff or other person appearing to give evidence shall direct the question to the Chair, who may, as he or she deems appropriate, direct the question to the speaker.

SECTION SEVEN: CONDITIONAL USE PERMIT AND REZONE REQUESTS

(a) The Public Hearing portion of a Conditional Use Permit or rezone request process will be the same as stated in Section Seven of the Policies and Procedures. A review and discussion item will follow the Public Hearing allowing the Commission to conduct a fact finding process. The purpose of the Public Hearing is to provide a forum to receive information and to offer comments on the applicant's proposal. The discussion portion of the meeting is for the Commission, staff and the applicant to identify any potential issues that need to be addressed and resolved before the Commission makes a recommendation to Council. When necessary, a letter from staff will be sent to the applicant identifying the concerns of the public and the Planning and Zoning Commission.

(b) The request will be presented by staff with a recommendation at a subsequent Commission meeting. Neither the applicant, nor other persons involved in the case may make a presentation at this time. The Planning and Zoning Commission may ask questions of the staff, the applicant or any other person the Chair deems appropriate during its deliberations. Should the applicant change the project significantly to address the concerns of the public and the Commission, an additional Public Hearing will be held. The Commission may consider acting on the request at that meeting or a subsequent meeting.

(c) Once all questions have been addressed to the satisfaction of the Commission, the Commission will make a recommendation to City Council. If the Commission determines there are issues remaining that need to be addressed by staff, the Commission may table its consideration and action until those issues have been resolved.

SECTION EIGHT: WORKSHOPS

Staff presents the facts of the request/issue to the Commission based on the information that has been submitted. Staff provides review comments. Staff may include other documents as necessary to provide adequate details. However, workshops are not a

Public Hearing.. The types of issues presented shall include, but not be limited to, code amendments; rezones; controversial issues or issues of significant impact.

Workshops may be scheduled either prior to the regular meeting or after, based on Commission direction. The Commission may comment, give direction to Staff, or request additional information on the request/issue, but the Commission does not take action on workshop items. If there is an applicant, other than a staff-initiated item, the applicant and the public may answer questions from the Commission.

SECTION NINE: DECISIONS, REPORTS, AND RECOMMENDATIONS

The Commission shall render decisions, written reports, and recommendations to the City Council as required by State law, the Charter, and ordinance. In the case of plats, the City Charter authorizes that Commission is the decision-making body for approval or denial. Under State Law, if the plat meets all technical requirements, the plat shall be approved. In the case of rezonings, Conditional Use Permits, Development Code Amendments, General Plans, and all City Master Plans, and related studies, the Commission serves a recommending body to the City Council.

SECTION TEN: PUBLIC COMMENT PERIOD

Per City Council policy, at the beginning of each Planning and Zoning Commission meeting agenda, there will be a Public Comment period. Citizens who desire to address the Planning and Zoning Commission with regard to matters on the agenda will be received at that time. The number of speakers will be limited to the first ten (10) speakers and each speaker is limited to three (3) minutes. Comments or discussion by Commissioners will only be made at the time the subject is scheduled for consideration on the Commission agenda.

SECTION ELEVEN: PUBLIC FORUMS

(a) Citizens wishing to speak to the Commission about issues pertaining to planning and zoning (not on the meeting agenda) may make a written request to staff. Staff and the Planning and Zoning Commission Chair will determine if the proposed issue(s) are relevant to the Commission. If the issue(s) are determined to be appropriate, the citizen wishing to speak will be placed on the next available Planning and Zoning Commission agenda. If the item involves a Homeowners Association or citizens group, the Chair has the authority to limit the speakers to one representative of a citizen group or Homeowners Association.

(b) Once placed on the agenda, staff will also contact all interested parties and offer the opportunity for one representative from each party to present its position.

(c) After the presentation of issues/positions to the Commission, there will be no discussion regarding the topic at that meeting with the interested parties or among the Planning and Zoning Commission and staff, except at the discretion of the Planning and Zoning Commission Chair.

APPENDIX A RULES OF ETHICAL CONDUCT

CODE OF ORDINANCES, CHAPTER TWO, ARTICLE IV

DIVISION 1. STATEMENT OF PURPOSE AND PRINCIPLES

Sec. 2-71. General statement.

It is the policy of the city council of the City of Sugar Land to hold its members and the city's other appointed officials to the highest standards of ethical conduct. The city council believes that it has a responsibility to make every reasonable effort to assure the citizens of Sugar Land that their elected and appointed officials will always place the public's interest above their own. To that end, the city council has concluded that current state laws regulating the conduct of local public officials should be supplemented by adopting additional regulations for the city's elected and appointed officials and that city staff should be directed to provide, at least once a calendar year, educational programs to the city's elected and appointed officials on their legal and ethical obligations under state and local law, including, particularly, their obligation to avoid conflicts of interest.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-72. Ethical values.

It is the official policy of the city that:

- (1) City officials shall be independent, impartial, and responsible to the citizens of the city;
- (2) City officials shall not have a financial interest, and shall not engage in any business, transaction, or professional activity, or incur any obligation, that conflicts with the proper discharge of their duties for the city in the public interest.
- (3) The principles of personal conduct and ethical behavior that should guide the behavior of city officials include:
 - a. A commitment to the public welfare;
 - b. Respect for the value and dignity of all individuals;
 - c. Accountability to the citizens of the city;
 - d. Truthfulness; and
 - e. Fairness.
- (4) Under such principles of conduct and ethical behavior, city officials should:

- a. Conduct themselves with integrity and in a manner that merits the trust and support of the public;
- b. Be responsible stewards of the taxpayers' resources; and
- c. Take no official actions that would result in personal benefit in conflict with the best interests of the city.

(5) To implement the purpose and principles set out in this Division 1, the city council has determined that it is advisable to enact rules of ethical conduct to govern city officials. It is the purpose and intent of city council to assure a fair opportunity for all of the city's citizens to participate in government, to adopt standards of disclosure and transparency in government, and to promote public trust in government.

Sec. 2-73. Purpose and effect.

The statements of purpose and principles contained in this Division 1 are for guidance only. They are not intended to create binding obligations, to serve as a basis for disciplinary action, or to create any private cause of action. The rules of ethical conduct contained in Division 2 below, are intended not only to serve as a guide for official conduct, but also as a basis for discipline of city officials who do not abide by them

DIVISION 2. RULES OF ETHICAL CONDUCT

Sec. 2-76. Definitions.

In this article:

Administrative board means any board, commission, or other organized body:

- (1) That has, by law, final decision-making authority on matters within its jurisdiction and that is either: (a) established under the City Charter or by city ordinance, or (b) whose members are all council members or are appointed or confirmed by the city council; or,
- (2) Created as a non-profit economic development corporation by the city council under the authority of the Development Corporation Act of 1979, as amended.

Advisory board means a board, commission, or other organized body other than an administrative board, that was created by an act of the city council whose members are appointed or confirmed by the city council and are charged with making recommendations to the city council on matters within its jurisdiction.

City official means a member of the city council, an administrative board, or an advisory board.

Review panel means the body charged with reviewing and acting on complaints and requests for declaratory relief filed under this article.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-77. Covered officials.

The rules of ethical conduct contained in this Division 2 apply generally to city officials and in certain defined circumstances to candidates for city council and former city officials.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-78. Conflicts of interest, generally.

(a) A city official shall abstain from participation in discussion of and any vote on a matter, and shall file an affidavit stating the nature and extent of his or her interest in a matter, if action on the matter by the body on which the city official serves will have a special economic effect that is distinguishable from its effect on the public on any of the following:

- (1) The city official;
- (2) The city official's outside employer or client;
- (3) The city official's spouse, parent, or child; or
- (4) A public or private business entity for which the city official, or his or her spouse, parent, or child serves as a director, general partner, or officer, or in any other policy making position.

(b) A city official shall abstain from participation in, discussion of, and any vote on a matter involving a person if, within the 12 months preceding the date of the vote, the city official has filed a conflicts disclosure statement under Chapter 176 of the Local Government Code relating to that person.

(c) A city official shall abstain from participation in, discussion of, and any vote on a matter involving a business entity if:

- (1) The city official has a substantial interest in another business entity that has had one or more business transactions with the business entity involved in the matter to be voted on;
- (2) The business transaction or transactions occurred within the 12 months immediately preceding the date of the matter to be voted on; and
- (3) The business transaction or transactions resulted in a payment or payments totaling more than \$10,000.00.

A city official required to abstain from voting under the preceding paragraph (c) must file an affidavit stating the nature and extent of the interest in the business entity. For purposes of the preceding paragraph (c), a "business entity" and "substantial interest in business entity" have the meanings respectively provided for in V.T.C.A., Government Code, § 171.001(2) and § 171.002(a), as amended.

(d) Affidavits of conflict of interest filed pursuant to the requirements of this section or state law shall be filed with the city secretary before any vote on the matter and as soon as possible after the city official becomes aware of the need to file the affidavit.

(e) A city official who is required to abstain from participation in a matter under this section or under state law shall leave the room where the meeting is held during any discussion of, and vote on, the matter.

(f) The abstention of a city official, pursuant to the requirements of this section or state law, shall be recorded in the minutes or audio recording of the meeting of the respective body on which he or she serves.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-79. Council member prohibited from doing business with the city.

(a) Except as provided below, no council member shall have a financial interest in any significant contract or transaction involving the sale or lease of goods, real estate, or services, or the lending of credit, to the city.

(b) For the purposes of this section, the ownership by a council member or his or her spouse, parent or child of the stock or instruments of debt of a publicly traded company does not give the council member a financial interest in any contracts or transactions that company has with the city, provided that the value of the interest held is less than five percent of the value of the company.

(c) For the purpose of this section, a contract or transaction is significant only if the total payments made by the city pursuant to the contract or transaction exceed \$1,000.00 in the aggregate.

(d) This section does not apply to the city's acquisition by eminent domain proceedings of an interest in land owned by a council member.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-80. Disclosure of certain gifts to city officials.

(a) Except as provided below, a city official who receives as a guest, a gift of food, lodging, transportation, or entertainment that reasonably appears to exceed \$500.00 in value shall file with the city secretary within 30 calendar days after receiving the gift a written disclosure statement containing the following information:

(1) A description of the gift of food, lodging, transportation, or entertainment that was received;

(2) The date or dates on which the gift was received;

(3) The name of the host who paid for, or provided, the gift; and

(4) A statement that the aggregate value of the gift is believed to exceed the sum of \$500.00.

(b) The requirements of (a), above, do not apply to a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the status of the recipient as a city official.

(c) This section does not apply to any gift that is required to be and is reported under any other state law, including a required election campaign filing.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-81. Appearance on behalf of private interests of others.

(a) A member of the city council shall not appear before the city council or any administrative board or advisory board for the purpose of representing the interests of another person or entity. However, a member of the city council may, to the extent otherwise permitted by law, appear before any such body to represent the member's own interests or the interests of the member's spouse or minor children.

(b) A city official who is not a member of the city council shall not appear before the body on which he or she serves for the purpose of representing the interests of another person or entity, and shall not appear before any other body for the purpose of representing the interests of another person or entity in connection with an appeal from a decision of the body on which the city official serves. However, the city official may, to the extent otherwise permitted by law, appear before any such body to represent the city official's own interests or the interests of the city official's spouse or minor children.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-82. Misuse and disclosure of confidential information.

(a) It is a violation of this ethics code for a city official to violate V.T.C.A., Penal Code, § 39.06 (Misuse of Official Information), as amended.

(b) A city official shall not disclose to the public any information that is deemed confidential under any federal, state, local law, or council rules.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-83. Restrictions on political activity and political contributions.

(a) No city official or candidate for city council shall meet with any employee or group of employees of the city for political campaign purposes while such employees are on duty unless part of an approved city council activity.

(b) No city official shall, directly or indirectly, coerce or attempt to coerce any city employee to:

(1) Participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue; or

(2) Refrain from engaging in any lawful political activity.

(c) The following actions by city officials are not prohibited by this section:

(1) The making of a general statement encouraging another person to vote in an election;

(2) A solicitation of contributions or other support that is directed to the general public or to an association or organization; and

(3) The acceptance of a campaign contribution from a city employee.

(d) No city official shall use, request, or permit the use of city facilities, personnel, equipment, or supplies for the creation or distribution of materials to be used in a political campaign or for any other purpose in support of a political campaign. However, meeting rooms and other city facilities that are made available for use by the public may be used for political purposes by city officials under the same terms and conditions as they are made available for other public uses.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-84. Regulations applicable to former city officials.

(a) A former member of city council shall not use or disclose confidential government information acquired during the member's service on the city council. A former member of city council is not prohibited from disclosing information if:

(1) The information is no longer confidential;

(2) The information involves reports of illegal or unethical conduct and is disclosed to a law enforcement agency; or

(3) The disclosure is necessary to further public safety and is not otherwise prohibited by law.

(b) No former member of city council shall have a financial interest in a significant contract with the city, within the meaning of section 2-79 of this article within 13 months following the expiration of the former member's most recent term of office.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-85. Officials required to comply with both state and local law.

Where a city official's conduct is regulated by a provision of this article and a similar provision of state law, and it is possible to comply with the requirements of both, a city official shall comply with both.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-86. City attorney's opinions.

The city attorney is authorized and directed to issue to any city official, upon reasonable request, formal written opinions regarding the applicability of the provisions of this article or Texas law to an action the city official, a former city official, or a candidate for city council is considering taking in the future.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-87. Education.

The city shall provide training and educational materials to city officials on their ethical obligations under state law and this article. Such training shall include at least one formal classroom session in each calendar year. All city officials shall attend the formal training session offered by the city or equivalent training sessions conducted by the Texas Municipal League or similar organizations. The city also shall prepare and distribute brochures and other written materials on the subject to each city official at the time of his or her election or appointment to office.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)